

Malawi

Revision of the Laws Act

Chapter 1:02

Legislation as at 31 December 2014

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Revision of the Laws Act

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Malawi

Revision of the Laws Act

Chapter 1:02

Assented to on 31 March 1978

Commenced on 2 April 1968

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

[15 of 1968; 51 of 1971; 9 of 1977; 20 of 1978; 11 of 1989]

An Act to provide for revisions of the Laws of Malawi and for matters connected therewith

1. Short title

This Act may be cited as the Revision of the Laws Act.

2. Interpretation

In this Act unless the context otherwise requires—

“**Commissioner**” means the Law Revision Commissioner appointed by the Minister under [section 3\(1\)](#);

“**in force**” in relation to an Act, means enacted and brought into operation, and in relation to subsidiary legislation, means made and brought into operation;

“**Law Revision Officer**” means the Law Revision Officer designated as such pursuant to [section 3\(2\)](#);

“**Law Revision Order**” means an order made by the Minister under [section 5](#);

“**revision date**” in respect of the first edition of the Laws of Malawi prepared and published under this Act, means, for Acts, the 1st January, 1968, and for subsidiary legislation, the 4th August, 1967, and in respect of subsequent revisions of the Laws of Malawi, means the 1st January in each year, or such other date, in any year, as the Minister may, by order, appoint as a revision date.

3. Commissioner: Law Revision Officer

- (1) The Minister may, from time to time, appoint a Commissioner for the purposes of this Act, who shall be known as the Law Revision Commissioner.
- (2) There shall be a Law Revision Officer who shall be a public officer designated as such by the Minister.

4. Duties of Commissioner and Law Revision Officer

- (1) It shall be the duty of the Commissioner, in accordance with this Act, to prepare and publish, or cause to be prepared and published, an edition to be known as the Laws of Malawi, containing all the written laws required to be contained therein.
- (2) It shall be the duty of the Law Revision Officer from time to time, as directed by the Attorney General, to maintain and revise the Laws of Malawi.

5. Publication of the Laws of Malawi

- (1) The Laws of Malawi shall be published in looseleaf form, or such other form as the Commissioner may determine, and shall comprise only such pages as may be authorized to be included therein by the Minister under subsection (2).
- (2) The Minister shall, by order, give authority for the inclusion in the Laws of Malawi of each and every page to be comprised therein, and may similarly authorize the replacement of pages therein and the removal of pages therefrom, and no page shall be deemed to form part of the Laws of Malawi until or unless it is so authorized.
- (3) Every page comprised in the Laws of Malawi shall bear a reference to the Law Revision Order by which its inclusion therein was authorized:

Provided that where pursuant to section 83(1) of the Customs and Excise Act, any Order is made prescribing complete new tariffs under the said Act, and such Order is published in the Gazette as a separate Supplement thereto in a looseleaf or other form approved by the Commissioner, and the said separate Supplement is, by a Law Revision Order, made at any time after such publication, incorporated in its published form into the Laws of Malawi as a separate Supplementary Volume of such Laws of Malawi, the provisions of this subsection shall not apply to any pages comprised in such Supplementary Volume on the date of its said incorporation under such Law Revision Order, but shall apply to any pages included therein under the authority of any later Law Revision Order.

[9 of 1977]

- (4) A Law Revision Order may authorize the inclusion in the Laws of Malawi of pages on which are reproduced a written law although such written law may not have been in force on the last preceding revision date, provided that an instrument bringing that written law into operation has been published prior to the publication of such Law Revision Order.

[9 of 1977]

6. Periodical revision of Laws of Malawi

- (1) As soon as practicable after the 1st January, 1969, and after each subsequent revision date the Laws of Malawi shall be revised in accordance with this Act, and the necessary pages prepared for inclusion in, or to replace pages in, the Laws of Malawi, and the necessary steps taken to remove from the Laws of Malawi pages no longer required, to the intent that the Laws of Malawi shall contain all the written laws which are required or authorized by this Act to be included therein and are in force on the relevant revision date.
- (2) Where any error in or omission from the Laws of Malawi comes to light and such error or omission cannot be conveniently corrected under [section 14](#), the Law Revision Officer may, at any time, prepare the necessary pages and take the necessary steps which should have been prepared or taken in order to comply with subsection (1). A Law Revision Order authorizing the inclusion, replacement or removal of pages for such purpose may have retrospective effect to the date of coming into operation of the Law Revision Order from which the error or omission resulted.
- (3) Nothing in this section or in [section 2](#) or [5](#) shall be construed to prevent the Minister from appointing more than one revision date in any year.

7. Laws of Malawi to constitute sole and proper version of laws

The written laws reproduced on the pages duly authorized for inclusion in the Laws of Malawi shall, in all courts and for all purposes, constitute the sole and proper version of those laws in force on the last preceding revision date.

8. Contents of Laws of Malawi

The Laws of Malawi shall, in relation to any revision date, contain—

- (a) every Act in force in Malawi, unless omitted under [section 9](#);
- (b) such subsidiary legislation in force in Malawi as the Attorney General thinks fit to include therein;
- (c) a chronological list of Acts and a table of contents;
- (d) a list of the Acts omitted under the authority of [section 9](#) (c), (d) and (e).

[20 of 1978]

9. Power to omit certain laws from the Laws of Malawi

It shall not be necessary to include in the Laws of Malawi—

- (a) any Appropriation Act or Supplementary Appropriation Act;
- (b) any foreign law which is applied in Malawi by virtue of a specific provision in an Act of the Parliament of Malawi, even though not therein set out;
- (c) any loan Act or loan guarantee Act;
- (d) any Act of a temporary nature which can, in the opinion of the Attorney General, be conveniently omitted;
- (e) any Act specified by the Minister, by order, for the purpose of this section;
- (f) any subsidiary legislation which the Attorney General thinks fit to omit therefrom.

[20 of 1978]

10. Validity of laws not included in the Laws of Malawi

Any written law omitted from the Laws of Malawi under the authority of [section 9](#)(a), (b) or (f), and any written law omitted from the Laws of Malawi under the authority of [section 9](#)(c), (d) or (e) which is specified in the list referred to in [section 8](#)(d), shall have the same force and effect as if it had not been so omitted, but otherwise no written law shall have force and effect in Malawi unless it is reproduced in the Laws of Malawi or specified in the list referred to in [section 8](#)(d):

Provided that this section shall not apply to any written law brought into operation after a revision date until after the next succeeding revision date.

11. Powers in respect of preparation of pages

- (1) In the preparation of pages for inclusion in the Laws of Malawi, the Attorney General shall have power—
 - (a) to omit or remove from the Laws of Malawi—
 - (i) all written laws or parts of written laws which have been repealed expressly or specifically or by necessary implication, or which have expired, or have become spent or have had their effect;
 - (ii) all repealing enactments contained in written laws and also all tables or lists of repealed enactments, whether contained in schedules or otherwise;
 - (iii) all preambles or long titles to written laws where such omission can, in the opinion of the Attorney General, be conveniently made;
 - (iv) all introductory words of enactment in any provision of any written law;

- (v) all enacting clauses;
 - (vi) all provisions prescribing the date when any written law or part of a written law is to come into force, where such omission can, in the opinion of the Attorney General, be conveniently made;
 - (vii) all amending written laws or parts thereof where the amendments effected thereby have been embodied by the Attorney General in the laws to which they relate;
- (b) to consolidate into one written law any two or more written laws relating to similar matters, making all the necessary alterations therefor and affixing such date thereto as may seem convenient;
 - (c) to alter the order of the provisions in any written law and, in all cases where it is necessary to do so, to renumber the provisions;
 - (d) to alter the form or arrangement of any provision by transferring words, by combining it in whole or in part with another provision or other provisions or by dividing it into two or more provisions;
 - (e) to divide any written law, whether consolidated or not, into Parts, Chapters or Divisions;
 - (f) to transfer any provision contained in any written law from that law to any other written law to which the Attorney General considers that it more properly belongs;
 - (g) to arrange written laws, whether consolidated or not, in any sequence or group that may be convenient, irrespective of the date of enactment;
 - (h) to add a long title, short title or citation to any written law which may require it, and where the Attorney General considers it necessary, to alter the long title, short title or citation in any written law;
 - (i) to supply or alter marginal notes;
 - (j) to supply or alter tables of contents;
 - (k) to shorten and simplify the phraseology of any enactment;
 - (m) to correct grammatical and typographical errors, or any clerical or printing errors in any written law and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any written law;
- [Please note: numbering as in original.]*
- (n) to make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any written law into conformity with the circumstances of Malawi;
 - (o) to make such adaptations or amendments to any written law as may appear to be necessary or proper as a consequence of any change in the constitution of any Commonwealth country;
 - (p) to renumber any Part, Chapter or Division and to rearrange the order of Parts, Chapters or Divisions;
 - (q) to classify or arrange all written laws under headings or otherwise, and to add to, alter or abolish any such classification or arrangement;
 - (r) to cause to be included in the Laws of Malawi any written law which has been omitted therefrom under the authority of this Act;
 - (s) to do all things relating to form and method which to the Attorney General appear necessary for the perfecting of the Laws of Malawi.
- (2) In the preparation of pages for inclusion in the Laws of Malawi there shall be power to make such amendments, modifications, adaptations, qualifications and exceptions to the written laws as may

be necessary or expedient for bringing them into conformity with the provisions of the Republic of Malawi (Constitution) Act, or of the Constitution or of any written laws replacing them or otherwise for enabling effect to be given to such provisions.

[20 of 1978]

12. No power to make amendments of substance

Subject to [section 11\(2\)](#), nothing in this Act shall confer any power to make any alterations or amendments in the substance of any law.

13. Construction of reference to repealed, etc., written law

- (1) Where in any written law or in any document of whatever kind reference is made to any law repealed or otherwise affected by or under the operation of this Act, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding law in the Laws of Malawi.
- (2) Whenever the coming into operation of a Law Revision Order renders inaccurate in any written law not incorporated in the Laws of Malawi any references by numerical or other designation to provisions in any written law so incorporated, such references shall be read and construed subject to such modifications as are necessary to result in their referring to such provisions as numbered or otherwise designated in the revision of the Laws of Malawi effected in accordance with such Order.

[51 of 1971]

14. Power of Minister to rectify errors by order

The Minister may at any time, by order, rectify any clerical or printing error appearing in the Laws of Malawi, or rectify in a manner not inconsistent with the powers of revision conferred by this Act any other error so appearing, or any other matter or omission requiring revision.